

REMARKS

Applicant replies to the Office Action dated October 5, 2007, with a two-month extension of time. Claims 1-13 were pending in the application and the Examiner rejects claims 1-13. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Claims Rejected under 35 U.S.C. § 112

The Examiner rejects claims 1-13 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner asserts that “the phrase ‘immediate access to participate in an investment’ renders the claim to be indefinite because it is not clear what constitutes participation” (page 2, item 4). Applicants respectfully disagree. However, to expedite prosecution, Applicants amend independent claims 1, 11, and 12 to specify that real-time access is granted to allow at least one of buying, selling, and trading within the newly established brokerage account. Claims 2-10 and 13, which variously depend from independent claims 1 and 12, are accordingly cured by the amendments to independent claims 1, 11, and 12.

Claims Rejected under 35 U.S.C. § 103

The Examiner rejects claims 1-13 under 35 U.S.C. § 103(a) as being unpatentable over Wallace et al., U.S. Patent No. 6,968,317 (“Wallace”) in view of Weiss et al., U.S. Patent No. 6,354,490 (“Weiss”) and in further view of Lent et al., U.S. Patent No. 6,405,181 (“Lent”). Applicants respectfully traverse this rejection.

Wallace generally discloses a system that allows investors to open an online brokerage account. Specifically, the Wallace system provides an online interface, wherein an investor may enter information that is used to apply for a restricted account. The restricted account permits the investor to perform limited activities online such as, for example, research securities and establish watch lists to track the performance of specific securities. However, the restricted account of Wallace prevents the investor from “performing certain activities, such as trading securities, funding the account, or obtaining real time quotations of securities” (col. 10, lines 13-17, emphasis added). The account remains restricted until the application is reviewed and approved. Wallace discloses a series of additional steps in various embodiments that must be

completed prior to removing the restriction from the investor's account. Only then, may the investor fund the account and engage in trading activities.

Weiss discloses a financial system that integrates a number of different financial accounts into a single account. A user of the Weiss system may establish a primary account and define a number of sub-accounts to be included within the primary account. The Weiss system provides an interface, wherein a user may step through the account creation process, select desired sub-accounts, and later interact with the system to move funds between the various sub-accounts. Weiss further discloses that a user may establish one or more securities accounts. The Weiss system requires a licensed bank employee (i.e., a person) to open an account at a scheduled time or to arrange a call-back to schedule a time to open the account (i.e., not a real-time event). According to Weiss, "Specifically, the system displays a securities work window that allows the user to enter an appointment date and time or ask for a call back" (emphasis added) (Col. 17, lines 36-40). "The reason for this is that typically information to building the securities component must be handled by a licensed bank employee" (emphasis added) (Col. 17, lines 40-42). "If an appointment is made, then the system builds a securities confirm message and the system returns to the statement building screen" (Col. 17, lines 42-44).

Lent generally discloses a system for real-time credit card approval. Specifically, the Lent system enables an applicant to enter personal information online, which is then formatted and transmitted to a credit reporting agency. Based on the user's personal information (e.g., income, length of employment, home ownership and debt) in combination with a returned credit score, the Lent system may establish a line of credit for the user. Lent further provides a user interface, whereby the user can later interact with the system to transfer funds from the line of credit to a number of secondary accounts. While the establishment of the line of credit, as disclosed by Lent, may not require significant human intervention, the step of transferring funds from the line of credit to a secondary account requires the user to interact with the system to invoke a transfer transaction after the line of credit has been established. Importantly, the Lent system first requires a user to request a line of credit or other monetary account. Then, when an account has been established, the user must request that a sum be transferred from the monetary account to the investment account. In other words, the Lent system would require user action to establish both accounts, and one account is not automatically created upon creation of the other.

Moreover, Lent does not provide funding of an account prior to receiving account funding from the applicant.

Wallace, Weiss, and Lent each disclose systems and methods for establishing investment accounts. **It is clear that both references require a substantial amount of time between applying for a brokerage account and funding the brokerage account to begin trading. This is contrary to the presently claimed invention, which enables an investor to apply for a brokerage account, be approved for a line of credit to immediately fund the brokerage account, and begin trading activity, all in real time.** As such, neither Wallace, Weiss, Lent, nor any combination thereof, disclose or contemplate at least, "based upon said establishing said brokerage account, granting, through a solely automated process, real-time access to at least one of: buy, sell, and trade within said brokerage account prior to receiving payment from said applicant for said investment," as similarly recited by independent claims 1, 11, and 12.

Applicants assert that claims 2-10 and 13 variously depend from independent claims 1 and 12, so claims 2-10 and 13 are differentiated from the cited references for at least the same reasons as set forth above, as well as in view of their own respective features.

In view of the above remarks and amendments, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject Application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814, including extension fees, if necessary.

Respectfully submitted,

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By: 

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